

Article 2: Police — Police Regulations — Offenses Against Government

Division 31: Limits on Sales of Products Containing Ephedrine

*(“Limits on Sales of Products Containing Ephedrine”
added 6–29–1998 by O–18533 N.S.)*

§52.3101 Declaration of Purpose

The Council for the City of San Diego finds and declares that:

- (a) In addition to its legal uses, Ephedrine is used in the illegal manufacture of methamphetamine, and illicit drug manufacturers extract Ephedrine from various over-the-counter products containing as an ingredient Ephedrine or pseudoephedrine.
- (b) Southern California generally and San Diego County specifically has become known to narcotics officers and drug enforcement agents for its high incidence of illicit manufacture, sale and use of methamphetamine.
- (c) There is a current and immediate threat to the public health, safety and welfare in that the manufacture, processing, transportation, possession and sales of illicit narcotics and drugs are inherently dangerous, and that the chemicals, compounds, substances, byproducts and wastes associated with the manufacture of illicit narcotics and drugs are both dangerous and injurious to the health, welfare and safety of the citizens of the City of San Diego.
- (d) There has been an increase in the sales, thefts and possession of over-the-counter products that contain as an ingredient Ephedrine, pseudoephedrine, ephedrine hydrochloride, pseudoephedrine hydrochloride, or pseudoephedrine sulfate, as well as other products associated with the manufacture of methamphetamine.
- (e) The reasonable limitations found in this Division on the quantity of products containing Ephedrine that may be sold to or purchased by a customer on a single day will assist the City in its efforts to combat the insidious criminal methods of illegal methamphetamine manufacturers in the City, and will not unduly restrict legitimate businesses or customers from Selling or buying these products.

(“Declaration of Purpose” added 6–29–1998 by O–18533 N.S.)

§52.3102 Definitions

Except as otherwise provided, for purposes of this division:

“Count” means the number of pills, tablets, capsules or individual units of a substance contained within an individual Package.

“Customer” means any Person who purchases or acquires products from any Retail Store.

“Ephedrine” means any drug, substance or compound, whether legal or illegal, that contains ephedrine, pseudoephedrine, ephedrine hydrochloride, pseudoephedrine hydrochloride, or pseudoephedrine sulfate.

“Package” means any bottle, box, blister pack or other container in which products containing Ephedrine are sold.

“Person” has the same meaning as in Municipal Code section 11.0210.

“Retail Store” means any single geographic location of any business, company, corporation, Person, employee or associate, that Sells products to any Customer. It does not include any Wholesaler engaged in a wholesale transaction.

“Sell” means to furnish, give away, exchange, transfer, deliver, surrender, distribute, or supply, whether or not for monetary gain or other consideration.

“Wholesaler” means one whose business is the selling of goods in gross to Retail Stores for purposes of resale.
(“Definitions” added 6-29-1998 by O-18533 N.S.)

§52.3103 Limitations on the Sale or Purchase of Ephedrine Products

- (a) It is unlawful for any Person during a single transaction to Sell to a Customer more than three Packages of products containing Ephedrine.
- (b) It is unlawful for any Person during a single transaction to Sell to a Customer products containing Ephedrine where the total Count exceeds 100.
- (c) It is unlawful for any Customer on any single day to purchase or acquire more than three Packages of products containing Ephedrine.

(d) It is unlawful for any Customer on any single day to purchase or acquire products containing Ephedrine where the total Count exceeds 100.
(“Limitations on the Sale or Purchase of Ephedrine Products” added 6–29–1998 by O–18533 N.S.)

§52.3104 Separate Violation of Each Incident

Each incident in violation of Section 52.3103 shall constitute a separate offense.
(“Separate Violation of Each Incident” added 6–29–1998 by O–18533 N.S.)

§52.3105 Enforcement Authority

The City Attorney and the Chief of Police, or any other Director authorized by the City Manager, is authorized to administer and enforce the provisions of this Division. The City Attorney and the Chief of Police may exercise any enforcement powers as provided in Division 1, Article 2 of Chapter 1 of this Code.
(“Enforcement Authority” added 6–29–1998 by O–18533 N.S.)

§52.3106 Enforcement Remedies

Violations of this Division may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code Section 12.0201. The City Attorney and the Chief of Police may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or pursue any administrative remedy provided in Chapter 1 of this Code.
(“Enforcement Remedies” added 6–29–1998 by O–18533 N.S.)

§52.3107 Strict Liability Offenses

Violations of this Division shall be treated as strict liability offenses regardless of intent.
(“Strict Liability Offenses” added 6–29–1998 by O–18533 N.S.)